

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

|                          |   |               |
|--------------------------|---|---------------|
| UNITED STATES OF AMERICA | ) |               |
|                          | ) |               |
| v.                       | ) | 2:06cr213-MEF |
|                          | ) |               |
| CARLOS BADILLO           | ) |               |
| KELLY McDOUGAL           | ) |               |

**PRETRIAL CONFERENCE ORDER**

A pretrial conference was held on November 13, 2006 before the undersigned Magistrate Judge. Present at this conference were Timothy Halstrom, counsel for the defendant Carlos Badillo, Pate DeBardeleben, counsel for defendant Kelly McDougal, and Assistant United States Attorney David Cooke, counsel for the government. As a result of the conference, it is hereby ORDERED as follows:

1. Jury selection is set for March 12, 2007. The trial of this case is set during the trial term commencing on March 12, 2007 before Chief United States District Judge Mark E. Fuller and is expected to last 2-3 days.
2. There are no motions currently pending.
3. Proposed voir dire questions shall be filed on or before March 5, 2007. Counsel should not include questions seeking information which is provided in the jury questionnaire.

4. All motions in limine shall be filed on or before March 5, 2007. Motions in limine must be accompanied by a brief. Failure to file a brief will result in denial of the motion.
5. Proposed jury instructions shall be filed on or before March 5, 2007.
6. The court will not consider a plea pursuant to Rule 11(c)(1)(A) or (C) unless notice is filed on or before noon on February 28, 2007 . The government and defendant are informed that if a defendant waits until the last minute to enter a plea, and if that plea, for whatever reason, is not accepted by the court, the defendant and the government will be expected to be prepared to go to trial on March 12, 2007. The court will not continue the trial of this case as to any defendant because a defendant's plea was not accepted. In other words, the defendant and the government should not wait until the last minute for a defendant to enter a guilty plea, and both the defendant and the government should all be ready to go to trial on March 12, 2007, as to all defendants, even though a particular guilty plea was not accepted by the court.
7. This case is set for another pretrial conference on February 16, 2007 at 9:00 a.m. in Courtroom 5B.

DONE, this 14<sup>th</sup> day of November, 2006.

/s/ Susan Russ Walker

SUSAN RUSS WALKER

UNITED STATES MAGISTRATE JUDGE